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KING COUNTY  
OFFICE OF CITIZEN COMPLAINTS  
TRIENNIAL REPORT  
MAY – AUGUST 2006

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Presented to the  
Metropolitan King County Council

September 15, 2006

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## TABLE OF CONTENTS

	Page
INTRODUCTION .....	3
OMBUDSMAN STATISTICS.....	4-5
INVESTIGATIONS .....	6-9
TAX ADVISOR STATISTICS.....	10-12

## INTRODUCTION

The Office of Citizen Complaints is required to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period per KCC 2.52.150. This report summarizes Office activities for May 1 through August 31, 2006.

During the report period, the Office of Citizen Complaints received 654 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 42 complaint investigations, and completed 25 investigations.

## BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

## INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:<sup>1</sup> Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

Complainants, respondents, directors of administrative agencies, and other parties of record are provided with a report of our findings.

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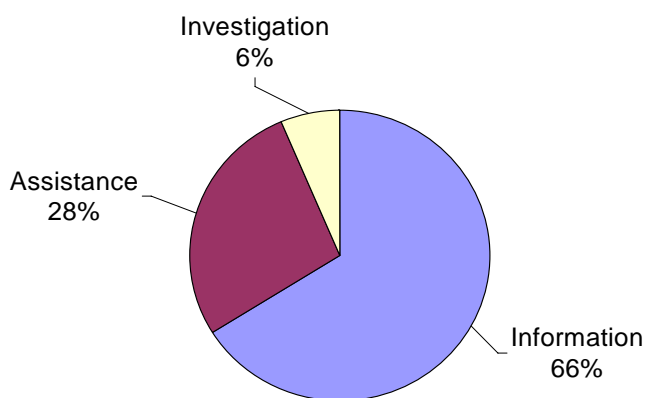
<sup>1</sup> Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

## OMBUDSMAN STATISTICS

**Table A**  
**Total Inquiries Received**  
**May – August 2006**

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	65	51	10	126
Assessor	1	1	0	2
Boards and Commissions	0	0	0	0
Community and Human Services	5	2	1	8
Development and Environmental Services	15	16	14	45
District Court	10	0	0	10
Executive	2	0	0	2
Executive Services	27	12	1	40
Judicial Administration	2	2	0	4
Metropolitan King County Council	13	5	0	18
Natural Resources and Parks	7	6	1	14
Prosecuting Attorney's Office	3	0	0	3
Public Health	25	49	6	80
Sheriff's Office	13	10	7	30
Superior Court	14	3	0	17
Transportation	20	8	2	30
Non-jurisdictional <sup>2</sup>	210	15	0	225
<b>Total</b>	<b>432</b>	<b>180</b>	<b>42</b>	<b>654</b>

**Chart A**  
**Disposition of Total Inquiries Received**  
**May – August 2006**



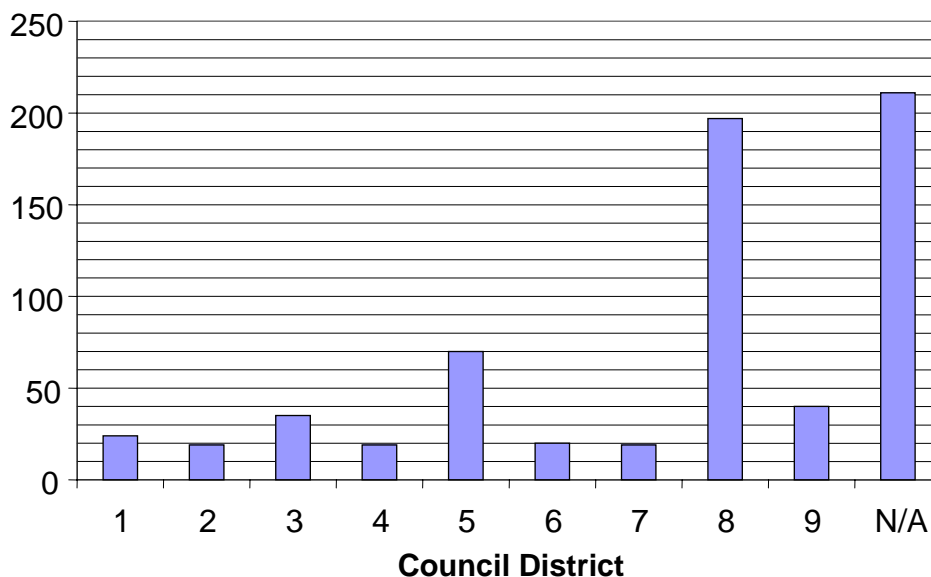
<sup>2</sup> The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

## OMBUDSMAN STATISTICS

**Table B**  
**Inquiries by Council District**  
**May – August 2006**

District	Councilmember	Inquiries
1	Bob Ferguson	24
2	Larry Gossett	19
3	Kathy Lambert	35
4	Larry Phillips	19
5 <sup>3</sup>	Julia Patterson	70
6	Jane Hague	20
7	Pete von Reichbauer	19
8 <sup>4</sup>	Dow Constantine	197
9	Reagan Dunn	40
N/A	Unavailable	211
<b>Total</b>		<b>654</b>

**Chart B**  
**Inquiries by Council District**  
**May – August 2006**



<sup>3</sup> Inquiries for this district may be higher due to the number of calls from the Kent Jail facility.

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## COMPLETED INVESTIGATIONS<sup>5</sup>

### DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Complainant alleges officer shut electronic door on complainant resulting in injury. No response to grievances.	Discontinued. Pursuant to Risk Management ordinance (KCC 4.12.060(B)(1)), case was closed after complainant filed claim for damages.
Complainant alleges denial of access to telephone to contact attorney. Alleges verbal abuse by Corrections Officer.	Unsupported. Transmitted complainant's statement to DAJD. Reviewed DAJD internal investigation. Determined that evidence did not support complainant's allegations.
Complainant alleges being assaulted by officers while protesting that two inmates were allowed in the Administrative Segregation common area in violation of jail policy.	Discontinued. Pursuant to Risk Management ordinance (KCC 4.12.060(B)(1)), case was closed after complainant filed claim for damages.

### COUNTY COUNCIL

Synopsis	Disposition
Employee use of position and county resources for personal gain and for benefit of non-profit citizens group constitutes violation of ethics code.	Unsupported. Employee's conduct was within the scope of official duties, and therefore there is no reasonable cause to believe an ethics code violation occurred.

### COMMUNITY AND HUMAN SERVICES

Synopsis	Disposition
Retaliation pursuant to the Whistleblower Protection Code	Retaliation complaint transmitted. Met with complainant, analyzed complaint for jurisdiction, discussed complainant's options (including mediation), transmitted complaint to appropriate official, and informed complainant of transmittal per KCC 3.42.060.

### DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
DDES allowed neighbor to apply for building permit after the Hearing Examiner disallowed prior construction on the structure due to encroachment. Alleges structure was not built to plan specifications, and that code violations occurred.	Discontinued. Code Enforcement case against neighbor is being litigated by Prosecuting Attorney's Office in Superior Court.

<sup>5</sup> Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

DDES is being unreasonable by not issuing permits and is incorrectly assessing existing structures. (Rural Ombudsman)	Resolved. Met on-site with DDES and others and worked out solution that allowed complainant to get permit inside of 48 hours. Complainant "very happy."
Notice and order not signed by authorized officer, and thus void. (Rural Ombudsman)	Unsupported. DDES signature was authorized and valid, and thus the complaint was not grounded.
Anonymous complaint that DDES employee may have been under the influence while involved in two auto accidents within a three-day period.	Unsupported. Preliminary review by Ombudsman staff revealed that DDES employee was in two auto accidents within a three-day period. Complaint was transmitted to DDES Director's Office. DDES initiated investigation and found allegations to be unsubstantiated. DDES determined that the employee's two accidents within a three-day period was an unfortunate set of events. The employee had no history of any other accidents. DDES consulted with Risk Management which recommended sending employee to defensive driving course only if the employee has another accident within a short period of time.
Complainant alleges that DDES is failing to provide adequate project oversight.	Discontinued due to complainant litigation against the county.

#### DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Alleges retaliation for prior reports of improper governmental action.	Complaint was transmitted to department director in accordance with KCC 3.42.060(B).
Alleges county employee used County resources (email system) to promote a private organization's activities contrary to the Employee Ethics Code.	Unsupported. County employee's use of county email was not for profit or personal gain, and was within the course the employee's official duties. Therefore, there is no reasonable cause to believe that a violation of the ethics code occurred.

#### NATURAL RESOURCES AND PARKS

Synopsis	Disposition
Solid waste supervisor subjecting employee to harassment, retaliation, and a hostile work environment.	Unsupported. Interviewed complainant and other witnesses. Transmitted complaint to, and discussed with, appropriate department officials. Reviewed investigation report filed by department contract investigator. Discussed report findings with complainant. Report concluded that while supervisor's behavior was insensitive and rude, it did not constitute violations of relevant county policies and procedures. Explained findings to complainant, who did not dispute findings.

"Conservation area" (Marymoor Park) is being used for sports in violation of current and previous permitting conditions. Concerned impacts of boathouse construction and activity are detrimental to shoreline and fish and wildlife.	Unsupported. Complainant raised concerns with department in 2003. Shoreline permit was issued by City of Redmond. Oversight of boathouse construction is responsibility of City of Redmond and State Department of Ecology.
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## PUBLIC HEALTH

Synopsis	Disposition
Employee alleges retaliation pursuant to the Whistleblower Protection Code	Retaliation complaint transmitted in accordance with KCC 3.42.060. Met with complainant, analyzed complaint for jurisdiction, discussed complainant's options (including mediation), transmitted complaint to appropriate official, and informed complainant of transmittal.
Complainant alleges that health inspector is unfairly requiring septic inspection with no guarantee of approval. (Rural Ombudsman)	Discontinued. Complainant is not going to pursue permit process due to possible problems with an undocumented septic system that may be too costly to bring to current code if a septic inspection is done.
Complainant is alleging that Health Department is unfairly holding up septic approval.	Discontinued. Complainant was advised that signing an agreement with the City of Renton to hook up to city sewer at the first sign of any septic problems would be acceptable to department, and that department would then issue an occupancy certificate.
Complainant alleges that an inmate is not receiving prescribed medications for injuries sustained prior to incarceration.	Resolved. Complainant was advised that Jail Health Services was responsible inmate medical treatment during incarceration including prescribing drugs and that appointments with physicians at Harborview Medical Center have been scheduled.

## SHERIFF'S OFFICE

Synopsis	Disposition
Inappropriate and insufficient response by deputy to domestic violence report.	Unsupported. Complainant was advised that allegations were unsupported based on a review of records, statements, department policies and procedures, and RCW that the deputy had acted in accordance with acceptable department guidelines.
Inappropriate use of force.	Discontinued. Complaint withdrawn by complainant.



Intimidation, excessive force, and racial bias.	Unsupported. Reviewed complete, unredacted IIU investigative file; reviewed pertinent KCSO policies and procedures; interviewed complainant and other witnesses; and conducted independent legal research and analysis. Determined that evidence of undue intimidation, excessive force, and racial bias was insufficient to sustain allegations. Provided detailed written report to complainant describing investigative process, analyzing evidence, and explanation of findings.
Alleges Sheriff's IIU neglected to review medical records which would support complainant's allegation that Sheriff's deputy used excessive force and caused injury to complainant's hand.	Unsupported. Review of IIU file and medical records did not support complainant's allegation that injury to hand was caused by use of excessive force.
Excessive force by Sheriff's deputies.	Discontinued. Reviewed allegations, agency investigative finding, and supporting documentation. While investigation was in progress, complainant informed this office that he had filed a lawsuit against King County concerning the same subject matter. Complaint file closed in accordance with KCC 4.12.060 (risk management). Complainant informed by letter explaining reason for discontinuing investigation.
Alleges: 1) rude and intimidating behavior by off-duty Sheriff's deputy performing traffic control in downtown Seattle, and refusal to provide identifying information to complainant. 2) Internal Investigations Unit refused to investigate complaint; and 3) no response to request for change of venue from King County District Court in Des Moines to Seattle District Court.	Unsupported. 1) Insufficient evidence to support allegations of rudeness and intimidation. Traffic citation included deputy's identifying information. 2) Complaint was made nine months after incident occurred. Per KCSO policy, IIU does not accept complaints more than 30 days after alleged incident. Exception made when complaint is criminal violation, or complainant has reasonable justification for delay. Even so, IIU Captain notified deputy's supervisor of complaint. 3) Ombudsman does not have jurisdiction over KCDC. However, Ombudsman provided information about process by which citations are assigned to various district courts, and informed complainant that Seattle District Court no longer hears traffic citations.

#### DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Alleges retaliation for filing whistleblower complaint of improper governmental action.	Retaliation complaint was forwarded to DOT Director pursuant to KCC 3.42.060(B).

## TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

## CONTACT CLASSIFICATION

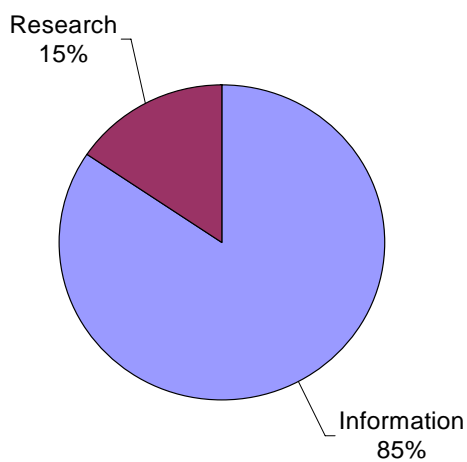
The Tax Advisor Office classifies taxpayer contacts into two categories:

- Information: Request for information, advice, or assistance which may result in database inquiry and/or referral.
- Research: Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

**Table C**  
**Total Tax Advisor Contacts**  
**May – August 2006**

	Information	Research	Total
May	463	37	500
June	324	54	378
July	304	59	363
August	378	119	497
<b>Total</b>	<b>1469</b>	<b>269</b>	<b>1738</b>

**Chart C**  
**Total Tax Advisor Contacts**  
**May – August 2006**



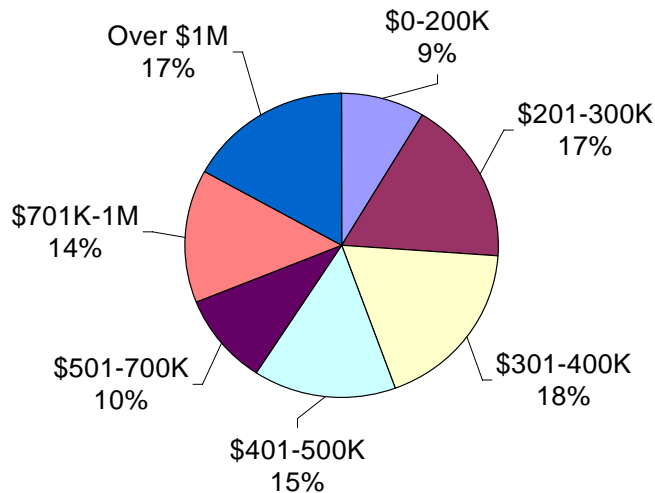
## SALES SURVEYS

Residential sales surveys are provided to taxpayers who may wish to appeal their assessed values to the local or state boards. The Office uses the Assessor's CompSales program and other resources to identify sales of similar properties that closed during the lien period in question. Search criteria can be refined and may include such characteristics as lot size, views, and waterfront for land values, and grade, condition and total living area for improvement values. A sales report can be generated which provides sales information for similar, comparable properties including each property's characteristics as measured by the Assessor at the time of sale. This information is useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal.

**Table D**  
**Sales Surveys – Assessed Property Value**  
**May – August 2006**

Assessed Property Value	Sales Surveys
\$0-200K	14
\$201-300K	29
\$301-400K	30
\$401-500K	24
\$501-700K	16
\$701K-1M	23
Over \$1M	28
<b>Total</b>	<b>164</b>

**Chart D**  
**Sales Surveys – Assessed Property Value**  
**May – August 2006**



## TAX ADVISOR STATISTICS

**Table E**  
**Tax Advisor Inquiries by Council District**  
**May – August 2006**

District	Councilmember	Inquiries
1	Bob Ferguson	196
2	Larry Gossett	181
3	Kathy Lambert	155
4	Larry Phillips	185
5	Julia Patterson	111
6	Jane Hague	177
7	Pete von Reichbauer	122
8	Dow Constantine	222
9	Reagan Dunn	194
N/A	Unavailable	195
<b>Total</b>		<b>1738</b>

**Table E**  
**Inquiries by Council District**  
**May – August 2006**

